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Attorney Docket No. P70692US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Andrzej ZAROWSKI, et al.

Serial No. 10/541,226

Art Unit: 3738

Filed: June 30, 2005

Examiner: S. Gherbi

For: IMPLANT HEARING SYSTEM

**PETITION UNDER 37 CFR 1.181(a)  
TO WITHDRAW HOLDING OF ABANDONMENT**

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petition is made, hereby, to withdraw the holding of abandonment in the subject application since there was no abandonment in fact. No fee is necessary for this petition. MPEP 711.03(c).

According to the Notice of Abandonment mailed April 28, 2009, the instant application was abandoned for alleged failure to timely respond to the Office Action mailed October 27, 2008. However, a response to the action was, in fact, timely filed on April 27, 2009, as evidenced by the attached copies of the response papers as filed, the corresponding receipt card date-stamped by the PTO, and the "Transaction list" (printed online from the PTO website) showing that the PTO charged the fee payment (by credit card) submitted with the response papers.

Favorable action is requested.

Respectfully submitted,

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Reg. No. 31,409  
Attorney of Record

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Date: May 5, 2009  
WEP/aer

Z:\WPLA\Wep&secretary\2009\May\P70692US0 - Withdrawal Abandonment.wpd



**United States Patent and Trademark Office**  
Date Printed: 05-04-2009 14:12:24 ET

Transaction list for user: Richard Hauser						
Type	Transaction Status	Date Posted	Name/Number	Attorney Docket Number	Charges/Credits (-)	Account
Sale	Active	04/29/2009	10541226	P70692US0	\$931.00	CC# ....1000

(\*) Indicates that a single payment paid for multiple items or multiple payments paid for a single item.

Note: Adjustments indicate that a sale was reversed, not that payments were refunded.





JH Ref P70692028 Today's Date 4/27/09  
Serial/Patent No. 10/541, 2210  
A, Inventor, Patentee, Assignee Zarowski  
Filing Date/Patent Date June 30, 2005

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |   |
|---|---|
| <input type="checkbox"/> _____ pp. Specification & _____ Claims                     | <input checked="" type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Combined Declaration, Power of Attorney                    | <input type="checkbox"/> Disclosure Statement-IDS             |
| <input type="checkbox"/> Preliminary Amendment                                      | <input type="checkbox"/> Copies of References                 |
| <input type="checkbox"/> Rule 53 (b) Application                                    | <input type="checkbox"/> Request for Refund                   |
| <input type="checkbox"/> Rule 53 (d) /RCE Application                               | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Claim to Priority and Certified Copy                       | <input checked="" type="checkbox"/> Petition for XOT          |
| <input type="checkbox"/> Substitute <input type="checkbox"/> Subsequent Declaration | <input type="checkbox"/> Notice of Appeal/Brief               |
| <input type="checkbox"/> Maintenance Fee  | <input type="checkbox"/> Sequence Listing                     |
| <input type="checkbox"/> Drawings _____ Sheets _____ Formal _____ Informal          | <input type="checkbox"/> Issue Fee Transmittal                |
| <input type="checkbox"/> Assignment/Change of Name                                  | <input type="checkbox"/> Other _____                          |
| <input type="checkbox"/> Small Entity Declaration                                   |   |
| <input checked="" type="checkbox"/> Check for \$ <u>931.00</u>                      |   |

JH 11/01 DUE DATE 4/27/09  
Person filing WEP/ael

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